

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS,
AMARILLO DIVISION**

DR. RONNY JACKSON, STUART and ROBBIE
FORCE, and SARRI SINGER,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., et al,

No. 2:22-cv-241

Defendants.

**APPENDIX TO THE PLAINTIFFS' MEMORANDUM IN OPPOSITION TO
THE DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

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Date: May 22, 2023

Respectfully submitted,

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22 USC 2378c-1: Limitation on assistance to the West Bank and Gaza

Text contains those laws in effect on May 21, 2023

From Title 22-FOREIGN RELATIONS AND INTERCOURSE

CHAPTER 32-FOREIGN ASSISTANCE

SUBCHAPTER III-GENERAL AND ADMINISTRATIVE PROVISIONS

Part I General Provision

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§2378c–1. Limitation on assistance to the West Bank and Gaza

(a) Limitation

(1) In general

Funds authorized to be appropriated or otherwise made available for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to Economic Support Fund) and available for assistance for the West Bank and Gaza that directly benefits the Palestinian Authority may only be made available for such purpose if, except as provided in subsection (d), not later than 30 days after March 23, 2018, and every 180 days thereafter, the Secretary of State certifies in writing to the appropriate congressional committees that the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations-

(A) are taking credible steps to end acts of violence against Israeli citizens and United States citizens that are perpetrated or materially assisted by individual under their jurisdictional control, such as the March 2016 attack that killed former United States Army officer Taylor Force, a veteran of the wars in Iraq and Afghanistan;

(B) have terminated payments for acts of terrorism against Israeli citizens and United States citizens to any individual, after being fairly tried, who has been imprisoned for such acts of terrorism and to any individual who died committing such act of terrorism, including to a family member of such individual ;

(C) have revoked any law, decree, regulation, or document authorizing or implementing a system of compensation for imprisoned individuals that uses the sentence or period of incarceration of an individual imprisoned for an act of terrorism to determine the level of compensation paid, or have taken comparable action that has the effect of invalidating any such law, decree, regulation, or document; and

(D) are publicly condemning such acts of violence and are taking steps to investigate or are cooperating in investigations of such acts to bring the perpetrators to justice.

(2) Additional certification requirement

The Secretary of State shall include in the certification required under paragraph (1) the definition of "acts of terrorism" that the Secretary used for purposes of making the determination in subparagraph (B) of such paragraph.

(b) Exception

(1) In general

Subject to paragraph (2), the limitation on assistance under subsection (a) shall not apply to-

(A) payments made to the East Jerusalem Hospital Network;

(B) assistance for wastewater projects not exceeding \$5,000,000 in any one fiscal year; and

(C) assistance for any other program, project, or activity that provide vaccination to children not exceeding \$500,000 in any one fiscal year.

(2) Notification

The Secretary of State shall notify in writing the appropriate congressional committees not later than 15 days prior to making funds available for assistance under subparagraph (A), (B), or (C) of paragraph (1).

(c) Rule of construction

Funds withheld pursuant to this section-

(1) shall be deemed to satisfy any similar withholding or reduction required under any other provision of law relating to the Palestinian Authority's payment for act of terrorism; and

(2) shall be in an amount that is not less than the total amount required by such other provision of law.

(d) Initial use and disposition of withheld funds

(1) Period of availability

Funds withheld pursuant to this section are authorized to remain available for an additional 2 years from the date on which the availability of such fund would otherwise have expired

(2) Use of funds

Fund withheld pursuant to this section may be made available for assistance for the West Bank and Gaza that directly benefits the Palestinian Authority upon a certification by the Secretary of State that the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations have met the conditions set forth in subsection (a). Except as provided in paragraph (3), such funds may not be made available for any purpose other than for assistance for the West Bank and Gaza that directly benefit the Palestinian Authority.

(3) Disposition of unused funds

Beginning on the date that is 180 days after the last day on which the initial availability of fund withheld pursuant to this section would otherwise have expired, such funds are authorized to be made available to the Department of State for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to Economic Support Fund) in the following manner-

- (A) 50 percent for purpose of assistance other than that deemed benefiting the Palestinian Authority; and
- (B) 50 percent for purposes other than assistance for the West Bank and Gaza.

(e) Report

(1) In general

If the Secretary of State is unable to certify in writing to the appropriate congressional committees that the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organization have met the conditions described in subsection (a), the Secretary shall, not later than 15 days after the date on which the Secretary is unable to make such certification, submit to the appropriate congressional committees a report that contains the following:

- (A) The reason why the Secretary was unable to certify in writing that such organization have met such requirements.
- (B) The definition of "acts of terrorism" that the Secretary used for purposes of making the determination in subparagraph (B) of subsection (a)(1).
- (C) The total amount of funds to be withheld.

(2) Form

The report required by this subsection shall be submitted in unclassified form but may include a classified annex.

(f) List of criteria

(1) In general

Not later than 15 days after March 23, 2018, the Secretary of State shall submit to the appropriate congressional committees a list of the criteria that the Secretary uses to determine whether assistance for the West Bank and Gaza is assistance that directly benefit the Palestinian Authority for purpose of carrying out this section.

(2) Update

The Secretary of State shall submit to the appropriate congressional committee an updated list under paragraph (1) not later than 15 days after the date on which the Secretary makes any modification to the list.

(Pub. L. 115–141, div. S, title X, §1004, Mar. 23, 2018, 132 Stat. 1144 .)

EDITORIAL NOTES

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsection (a)(1) and (d)(3), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424. Chapter 4 of part II of the Act is classified generally to part IV (§2346 et seq.) of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Table.

CODIFICATION

Section was enacted as part of the Taylor Force Act, and also as part of the Consolidated Appropriations Act, 2018, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

STATUTORY NOTES AND RELATED SUBSIDIARIES

FINDINGS

Pub. L. 115–141, div. S, title X, §1002, Mar. 23, 2018, 132 Stat. 1143, provided that: "Congress makes the following findings:

"(1) The Palestinian Authority's practice of paying salaries to terrorists serving in Israeli prisons, as well as to the families of deceased terrorists, is an incentive to commit acts of terror.

"(2) The United States does not provide direct budgetary support to the Palestinian Authority. The United States does pay certain debts held by the Palestinian Authority and funds programs for which the Palestinian Authority would otherwise be responsible.

"(3) The United States Government supports community-based programs in the West Bank and Gaza that provide for basic human needs, such as food, water, health, shelter, protection, education, and livelihoods, and that promote peace and development.

"(4) Since fiscal year 2015, annual appropriations legislation has mandated the reduction of Economic Support Fund aid for the Palestinian Authority as a result of their payments for acts of terrorism including, in fiscal year 2017, a reduction 'by an amount the Secretary determines is equivalent to the amount expended by the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations with such entities as payments for acts of terrorism by individuals who are imprisoned after being fairly tried and convicted for acts of terrorism and by individuals who died committing acts of terrorism during the previous calendar year'."

APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED

Pub. L. 115–141, [div. S, title X, §1007, Mar. 23, 2018](#), 132 Stat. 1147 , provided that: "In this title [see Short Title of 2018 Amendment note set out under section 2151 of this title], the term 'appropriate congressional committees' means-

"(1) the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives; and

"(2) the Committee on Appropriations and the Committee on Foreign Relations of the Senate."